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**TO:** Presiding Judges of the Superior Courts  
Presiding Judges of the Juvenile Courts  
Chairs of the County Boards of  
Supervisors  
Executive Officers of the Superior Courts  
County Administrative Officers  
Chief Probation Officers

**FROM:** Probation Services Task Force  
Hon. Patricia Bamattre-Manoukian, Chair  
Ms. Audrey Evje, Attorney

**DATE:** October 7, 2002

**SUBJECT/  
PURPOSE OF  
MEMO:** Chief Probation Officer Appointment,  
Evaluation, Discipline, and Removal  
Model – *Version 2*

**ACTION  
REQUESTED:** Review and Provide Comment on a  
Revised Interim Model for Appointment,  
Evaluation, Discipline, and Removal of the  
Chief Probation Officer

**DEADLINE:** October 21, 2002

**CONTACT FOR  
FURTHER  
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The Probation Services Task Force is seeking comment on a revised interim model for the appointment, evaluation, discipline, and removal of the chief probation officer, as set forth in the attached document.

The task force circulated an interim model for comment in July 2002. This model would have created a local committee with equal membership from the court and the county government to oversee the chief probation officer's appointment, evaluation, discipline, and removal.

The comments received indicated that many counties are already engaged in collaborative efforts at the local level. Given the need to preserve these local efforts and in view of other concerns raised during the comment process, it appears that the July 2002 model is unsatisfactory. Taking into account public input provided on the July 2002 version at its September 12–13 meeting, the task force substantially revised the model for the appointment, evaluation, discipline, and removal of the chief probation officer. The task force now seeks public comment on the revised interim model (attached), which is intended as a substitute for the July 2002 interim model.

The task force wishes to reiterate that the proposed interim model is intended as an initial step aimed at fostering collaboration between courts and counties. The task force anticipates that its final report will recommend more substantive reforms regarding all aspects of probation.

Comments must be submitted in writing by October 21, 2002. Comments may be submitted via e-mail to [probation@jud.ca.gov](mailto:probation@jud.ca.gov) or mailed to:

Audrey Eyje  
Judicial Council of California  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102-3688

Attachment

# Probation Services Task Force

## Proposed Interim Model – Version 2

[Updated October 7, 2002]

**PLEASE NOTE:** *This proposed interim model attempts to address issues identified in the first interim model circulated by the Probation Services Task Force in July 2002. Please note the new opportunity for public comment, which closes on October 21, 2002.*

### ASSUMPTIONS

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It is expected that legislation would be introduced in the 2003 legislative year to codify the principles contained in this model.

This model is not intended to apply to charter counties or those counties in which a merit or civil service system defines the appointing authority.

Chief probation officers in office are not intended to be subject — for purposes of their current position — to reconfirmation by any new appointment procedures that may result from this proposal.

### BACKGROUND

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Since its formation in August 2000, the 18-member Probation Services Task Force has been examining probation services in California and working to develop a new probation governance model. The task force, appointed by Chief Justice Ronald M. George, is composed of court, county, and probation system representatives. Its creation was particularly timely following the enactment of the 1997 Trial Court Funding Act that centralized responsibility for trial courts with the state. This restructuring did not address the preexisting frictions between some counties and courts regarding the probation governance structure. Overall management and budgetary responsibility for probation remains today with the counties. However, in the vast majority of counties, the appointment authority for the chief probation officer resides with the court, now a state-funded entity. After unsuccessful efforts by several stakeholder groups in the probation system to address these difficulties statutorily by introducing legislation on the selection and retention of the chief probation officer, the Judicial Council and California State Association of Counties (CSAC) mutually concluded that a multidisciplinary task force was necessary to undertake a comprehensive examination of probation services and governance issues in California.

## **PROPOSED INTERIM MODEL (VERSION 1, JULY 2002)**

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In order to balance the competing interests regarding the probation governance structure, the task force developed a proposed interim model in July 2002 (Version 1) and circulated it for public comment. This model would have created a local committee with equal membership from the court and the county government to oversee the chief probation officer's appointment, evaluation, discipline, and removal. The proposal was viewed as an initial step to address, at least in part, the issues of the appointment and retention of the chief probation officer.

Interested parties were given 30 days to comment on the Version 1 interim model. The task force met on September 12 and 13 to examine public comment received and, based on public input, subsequently concluded that Version 1 appeared unsatisfactory for a number of reasons. The task force then developed an alternative interim model (Version 2), for which it now seeks public comment. In devising Version 2, the task force attempted to address the concerns identified regarding Version 1.

## **PROPOSED INTERIM MODEL (VERSION 2, OCTOBER 2002)**

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***PLEASE NOTE:*** Version 2 of the proposed interim model for the nomination or appointment, evaluation, discipline, and removal of the chief probation officer is intended as a substitute for Version 1 and should be considered a new and different proposal.

Version 2 of the proposed interim model continues to be guided by the principles emphasizing collaboration between courts and counties that were agreed to during the first phase of the task force's work.<sup>1</sup> Under this model, for the appointment, evaluation, discipline, and removal of the chief probation officer, the probation department would continue to operate as a county department, and the chief probation officer would remain a county officer. Therefore, issues such as salary and benefits would continue to follow local county processes.

Version 2 contains two distinct tiers.

### **Tier I: Formalizing the Local Process**

*In recognition of the fact that many courts have developed and are successfully utilizing local collaborative efforts, and in an effort to preserve the ability of courts and counties to develop and formalize a local option, one that is*

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<sup>1</sup> The draft *Probation Services Task Force Interim Report* is accessible at <http://www2.courtinfo.ca.gov/probation/report.htm>.

*mutually agreed to by the two parties, Tier I of the model would specify all of the following:*

1. Require the court and county to meet and develop a local agreement (memorandum of understanding, or MOU) that formalizes a process for screening, hiring, evaluating, and disciplining/removing (i.e., personnel actions regarding employment status) the chief probation officer.

<p><i>The task force strongly urges that local agreements contain a collaborative process. However, the process may take any form, as long as both the court and the county formally agree to its provisions.</i></p>
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2. Stipulate in the agreement that the MOU remains in effect until such time as it is superseded by a new agreement or rescinded by either the court or county.
3. Require the court and the county to submit an MOU signed by both parties to the Administrative Office of the Courts, with a copy provided to the California State Association of Counties.
4. Mandate that if (1) the court and county within a jurisdiction are unable to enter into an MOU within 12 months of the operative date of the legislation or (2) either party rescinds an existing MOU, the two parties must follow the default model set forth in Tier II.

### **Tier II: Following the Default Model**

*If both parties cannot agree to a local process or if one party rescinds the MOU, the court and county would be required to follow the steps below:*

#### ***Appointment***

1. Candidates for the position of chief probation officer would be nominated by a committee consisting of members of the county government (members of the board of supervisors) and the court (judges) in equal numbers following a screening process involving the juvenile justice commission.
2. Members of the nominating committee must unanimously approve all candidates forwarded to the appointing entity.
3. The appointment of the chief probation officer would be made by the entity that currently retains appointment authority.

### ***Evaluation***

The court and county would jointly conduct an annual evaluation of the chief probation officer.

### ***Personnel Actions (Discipline and Removal)***

1. The entity currently responsible for personnel actions against the chief probation officer would retain that authority.
2. The entity that does not have appointing authority may recommend personnel actions regarding the chief probation officer to the appointing authority.
3. The entity with the appointing authority may not take negative personnel actions (regarding employment status) against the chief probation officer without the approval of the other party (the entity without appointing authority).

### **COMMENT PROCESS**

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Comments must be submitted in writing by October 21, 2002. Comments may be submitted by e-mail to [probation@jud.ca.gov](mailto:probation@jud.ca.gov) or mailed to:

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